

09-0-2040

**AN ORDINANCE BY COUNCIL MEMBER CARLA SMITH
AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE**

A SUBSTITUTE ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AMENDMENT AGREEMENT NO. 2 WITH ADVANCED DISPOSAL SERVICES, INC. FOR FC-7650-04A, ANNUAL CONTRACT FOR DISPOSAL OF MUNICIPAL SOLID WASTE, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, FOR THE PURPOSE OF ADDING ADDITIONAL FUNDING TO THE CURRENT FISCAL YEAR AND TO EXTEND THE AGREEMENT ON A MONTH TO MONTH BASIS NOT TO EXCEED JULY 31, 2010, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SIXTY THOUSAND DOLLARS AND NO CENTS (\$660,000.00); AND AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE SOURCE SELECTION REQUIREMENTS CONTAINED IN SECTIONS 2-1187 THROUGH 2-1189, AND 2-1206 OF ARTICLE X PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ACCOUNT AND ACTIVITY NUMBER: 5401 (SOLID WASTE SERVICES REVENUE FUND) 130542 (DPW DISPOSAL-LANDFILL), 5212001 (CONSULTANT/PROF. SERVICES), 4560000 (CLOSURE & POST CLOSURE CARE) OR SUCCESSOR ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did enter into an agreement with Advanced Disposal Services, Inc. For FC-7650-04A, Annual Contract for Disposal of Municipal Solid Waste, pursuant to Resolution 04-R-1764; and

WHEREAS, the Agreement as previously amended, expires on February 16, 2010; and

WHEREAS, the Department of Public Works is in the process of procuring disposal services; and

WHEREAS, the Departments of Procurement and Public Works have also determined that additional funding and time will be required to fund through the end of current fiscal year and to ensure fairness and maximize competition in the procurement of disposal services; and

WHEREAS, the provisions of Sections 2-1187 through 2-1189, and 2-1206 should be waived to permit the Department of Public Works to continue this Agreement on a monthly basis beyond the final expiration date of February 22, 1010 [which includes the 90 day extension period permitted under Section 2-1206(a), for a period not to extend beyond July 31, 2010; and

WHEREAS, the Commissioner of Public Works and the Chief Procurement Officer have recommended the execution of Amendment No. 2 to FC-7650-04A, Annual contract for Disposal of Solid Waste, for the purpose of adding additional funding and extending the Agreement on a month to month basis not to exceed July 31, 2010, in an amount not to exceed Six Hundred Sixty Thousand Dollars and no Cents (\$660,000).

NOW, THEREFORE BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA, as follows:

SECTION 1: That the Mayor or her designee is authorized to execute an Amendment (the "Amendment") with Advanced Disposal Services, Inc. For FC-7650-04A, Annual Contract for Disposal of Municipal Solid Waste, for the purpose of adding additional funding and extending the Agreement on a month-to month basis not to exceed July 31, 2010, in an amount not to exceed Six Hundred Sixty Thousand Dollars and No Cents (\$660,000.00) on behalf of the Department of Public Works.

SECTION 2: That the provisions of Sections 2-1187 through 2-1189, and 2-1206 are hereby waived to permit the Department of Public Works to continue this Agreement on a month to month basis beyond the final expiration date of February 22, 2010 [which includes the 90 day extension period permitted under Section 2-1206(a)], for a period not to extend beyond July 31, 2010.

SECTION 3: That the Chief Procurement Officer is directed to prepare an appropriate Amendment for execution by the Mayor.

SECTION 4: That the Amendment will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Advanced Disposal Services, Inc.

SECTION 5: That all contracted work will be charged to and paid from fund, department, account and activity number: **5401 (SOLID WASTE SERVICES REVENUE FUND) 130542 (DPW DISPOSAL-LANDFILL), 5212001 (CONSULTANT/PROF. SERVICES), 4560000 (CLOSURE & POST CLOSURE CARE) OR SUCCESSOR ACCOUNTS.**

SECTION 6: That all ordinances or parts of ordinances in conflict with this ordinance, shall be waived to the extent of the conflict.

AN ORDINANCE BY
COUNCILMEMBER



09-0-2040

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AN AMENDMENT TO RENEWAL AGREEMENT NO. 4 WITH ADVANCED DISPOSAL SERVICES, INC. FOR FC-7650-04A, ANNUAL CONTRACT FOR DISPOSAL OF MUNICIPAL SOLID WASTE, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, FOR THE PURPOSE OF EXTENDING THE AGREEMENT ON A MONTH TO MONTH BASIS NOT TO EXTEND BEYOND JULY 31, 2010, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$300,000.00); AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE SOURCE SELECTION REQUIREMENTS CONTAINED IN SECTION 2-1187, 2-1188, AND 2-1189 OF ARTICLE X PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ACCOUNT AND ACTIVITY NUMBER: 5401 (SOLID WASTE SERVICES REVENUE FUND) 130542 (DPW DISPOSAL-LANDFILL), 5212001 (CONSULTANT/PROF. SERVICES), 4560000 (CLOSURE & POST CLOSURE CARE) OR SUCCESSOR ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did enter into an agreement with Advanced Disposal Services, Inc. for FC-7650-04A, Annual Contract for Disposal of Municipal Solid Waste, pursuant to Resolution 04-R-1764 which was adopted by the City Council on October 18, 2004, and approved by the Mayor on October 20, 2004; and

WHEREAS, the Agreement as previously amended, expires on February 16, 2010; and

WHEREAS, the Department of Public Works is in the process of procuring disposal services; and

WHEREAS, the Departments of Procurement and Public Works have determined that additional time will be required to ensure fairness and maximize competition in the procurement of disposal services; and

WHEREAS, the Commissioner of Public Works and the Chief Procurement Officer have recommended the execution of an Amendment to FC-7560-04A, Annual Contract for Disposal of Municipal Solid Waste, for the purpose of extending the Agreement on a month-to-month basis not to extend beyond July 31, 2010, in an amount not to exceed Three Hundred Thousand Dollars and No Cents (\$300,000.00).

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Mayor or her designee is authorized to execute an Amendment (the "Amendment") with Advanced Disposal Services, Inc. for FC-7650-04A, Annual Contract for Disposal of Municipal Solid Waste, for the purpose of extending the Agreement on a month-to month basis not to extend beyond July 31, 2010, in an amount not to exceed Three Hundred Thousand Dollars and No Cents (\$300,000.00).

Section 2: That the Chief Procurement Officer is directed to prepare an appropriate Amendment for execution by the Mayor.

Section 3: That the Amendment will not become binding on the City and the City will incur no obligation or liability under it until it has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk and delivered to Advanced Disposal Services, Inc.

Section 4: That all contracted work will be charged to and paid from fund, department, account and activity number: 5401 (solid waste services revenue fund) 130542 (DPW Disposal-Landfill), 5212001 (Consultant/Prof. Services), 4560000 (Closure & Post Closure Care) or successor accounts.

Section 5: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict.